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**1 – Assumption sinkhole levee under repair as lawsuits mount , BRADV, 6/7/13**

<http://theadvocate.com/home/6183475-125/assumption-sinkhole-levee-under-repair>

Texas Brine Co. contractors expect to have a swath of sunken containment levee around the Assumption Parish sinkhole temporarily restored by sometime Friday, a company spokesman said.

**2 - Improving Air Quality For Houstonians And Beyond, EDF, 6/07/13**

<http://blogs.edf.org/texascleanairmatters/2013/06/07/improving-air-quality-for-houstonians-and-beyond/>

The success of Texas has long been linked to the success of Hispanics. Today, nearly 40% of Texans are Hispanic. As the Hispanic community continues to shape the future of Texas (nearly 50 percent of our state's youth is Hispanic), EDF is paying close attention to the ongoing air quality and public health challenges facing Houston, Dallas, San Antonio and other areas with significant Hispanic populations.

**3 - Sequestration cited in written notice to halt development of pollution limit for lake, Muskogee, 6/9/13**

<http://muskogeephoenix.com/local/x1504161178/Cuts-threaten-EPA-s-Tenkiller-project>

The automatic federal spending cuts known as sequestration may stall work toward the development of pollution limits for Tenkiller Lake.

**4 - Ark. groups tried to get delay in river standard, Muskogee, 6/9/13**

<http://muskogeephoenix.com/local/x1999354920/SUNDAY-EXTRA-Ark-groups-tried-to-get-delay-in-river-standard>

Regulators rebuffed efforts by northwest Arkansas business interests trying to leverage an agreement to postpone implementation of Oklahoma's scenic rivers phosphorus standard to delay the establishment of federal pollution limits.

**5 - EPA commits to watershed pollution model, Muskogee, 6/8/13**

<http://muskogeephoenix.com/local/x1999354908/EPA-commits-to-watershed-pollution-model>

Efforts by the U.S. Environmental Protection Agency to establish a model for federal pollution limits for the Illinois River watershed likely will proceed despite requests for delay.

**6 - Exide files for Chapter 11 bankruptcy protection, ARonline, 6/10/13**

<http://www.arkansasonline.com/news/2013/jun/10/exide-files-chapter-11-bankruptcy-protection/?latest>

MILTON, Ga. — Battery maker Exide Technologies is seeking Chapter 11 bankruptcy protection as it attempts to restructure its U.S. business. The Milton, Ga., company said its international operations are excluded from the filing, which it made Monday in U.S. Bankruptcy Court in Delaware.

**7 - Swamp School is in session at Wetland Watchers Park in Norco, 6/10/13**

[http://blog.nola.com/river/2013/06/swamp\\_school\\_is\\_in\\_session\\_at.html#incart\\_river](http://blog.nola.com/river/2013/06/swamp_school_is_in_session_at.html#incart_river)

While a small group of children were catching crabs, another clustered to identify plants. Meanwhile, a few children were practicing archery techniques, and others were enjoying a canoe trip. Swamp School was in session.

**8 - Ghosts of regular session legislation rest in waiting for governor's call, 6/7/13**

<http://www.kvue.com/news/local/Ghosts-of-regular-session-legislation-rest-in-waiting-for-governors-call-210634321.html>

**Lawmakers at the Texas Capitol officially have just one job left -- addressing embattled electoral maps before the next election cycle begins.**

**9 - Following Court Ruling, EPA Withdraws Guidance for 2006 Particle Standards, BNA, 6/10/13**

**[http://esweb.bna.com/eslw/1245/split\\_display.adp?fedfid=31994455&vname=dennotallissues&jd=a0d9f2g8g0&split=0](http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=31994455&vname=dennotallissues&jd=a0d9f2g8g0&split=0)**

**The Environmental Protection Agency is withdrawing guidance for implementing the 2006 fine particulate matter standards in response to a federal appeals court ruling.**

**10 - EPA Scientists Question Use Of Key Studies In Formaldehyde Assessment, 6/7/13**

**<http://insideepa.com/201306072436994/EPA-Daily-News/Daily-News/epa-scientists-question-use-of-key-studies-in-formaldehyde-assessment/menu-id-95.html>**

**EPA scientists are questioning whether they will be able to use a series of key studies that differentiate between "endogenous" and "exogenous" formaldehyde in the agency's pending risk assessment, undercutting calls by industry groups and others to use the studies to inform how EPA assesses the relative risk of a chemical that forms naturally in the body.**

**11 - House panel to consider science behind ozone standards, 6/10/13**

**<http://www.eenews.net/eedaily/2013/06/10/stories/1059982535>**

**A House subcommittee will challenge U.S. EPA's plan to tighten federal limits on ozone, citing concerns that lower limits could leave some areas of the country at risk of being unable to comply.**

**12 - NM issues declaration to help Magdalena with water, 6/7/13**

**<http://www.kob.com/article/stories/S3060134.shtml?cat=0>**

**MAGDALENA, N.M. (AP) - Tens of thousands of gallons of water have been trucked to the village of Magdalena to help residents after the community's sole drinking water well went dry.**

# Assumption sinkhole levee under repair as lawsuits mount

## Tremors sink part of levee, then subside

BY DAVID J. MITCHELL

River Parishes bureau

NAPOLEONVILLE — Texas Brine Co. contractors expect to have a swath of sunken containment levee around the Assumption Parish sinkhole temporarily restored by sometime Friday, a company spokesman said.

In the meantime, lawsuits have continued to mount against Texas Brine and other defendants over the sinkhole, bringing the total in state and federal court to 14, court filings show.

Sonny Cranch, spokesman for Houston-based Texas Brine, said contractors planned to work as late as possible Thursday night on the levee encircling the sinkhole between the Bayou Corne and Grand Bayou communities.

A 400- to 500-foot section of the levee sank as much as 3.9 feet under water overnight Monday after an active period of tremors near the sinkhole.

“We’re still packing in sand. They’ll work late tonight and keep working as long as they can, and if they don’t finish late tonight, they’ll finish tomorrow morning,” Cranch said early Thursday evening.

John Boudreaux, director of the parish Office of Homeland Security and Emergency Preparedness, said as rain was falling that about 100 feet of berm remained to be restored by Thursday evening.

“More than likely, it will be tomorrow” before the levee is patched, he said.

Boudreaux said the tremors, which often signal new subterranean events may start affecting the sinkhole, have subsided enough to ease some safety restrictions around the hole.

The Louisiana Office of Conservation ordered the containment levee, or berm, installed to keep brine and oil in the sinkhole from escaping into freshwater swamps surrounding the hole.

Scientists believe a Texas Brine salt dome cavern failed deep underground last year after it was mined too closely to the face of the salt deposit, triggering the emergence of the sinkhole in early August. About 350 people have been under evacuation orders for more than 10 months as a result of the sinkhole and its suspected side effects.

Cranch said Texas Brine is planning to reroute the section of sunken levee farther south of the sinkhole in a move to establish a more permanent fix.

He said company officials are waiting on survey data from inside the flooded containment area.

The levee now surrounds an 82-acre area that includes the 15.1-acre sinkhole.

The latest batch of lawsuits seeking damages were filed between May 29 and 31 in the 23rd Judicial District Court in Napoleonville, but some did not show up in the record until earlier this week.

About 70 individual property owners or residents are plaintiffs in the five suits, as well as a few businesses and limited liability companies.

All five suits name Texas Brine and Occidental Chemical Corp., a subsidiary of Los Angeles-based Occidental Petroleum Corp., as defendants.

The suits claim the companies and other defendants share in negligence over the sinkhole and similarly recount allegations raised in earlier suits about indications in 2010 that the cavern may have been in jeopardy.

Some suits name the Louisiana Department of Natural Resources and Miller Engineering and Associates Inc. as defendants, too. All but one of the five new suits include punitive damages among their lists of claims.

Occidental leases the cavern site to Texas Brine, which mined the cavern until it was closed in mid-2011 after a failed expansion try.

Officials with DNR, Occidental and Miller Engineering declined comment on pending litigation Thursday. Cranch said Texas Brine would review the suits and respond appropriately.

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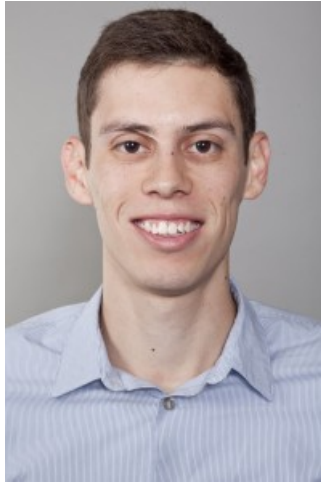
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# Improving Air Quality For Houstonians And Beyond

By [Marcelo Norsworthy](#) | [Bio](#) | Published: June 7, 2013

Para leer este artículo en español, haga clic [aquí](#)

*How The Hispanic Business Community Can Play An Active Role In Reducing Emissions From Freight*



The success of Texas has long been linked to the success of Hispanics. Today, nearly 40% of Texans are Hispanic. As the Hispanic community continues to shape the future of Texas (nearly 50 percent of our state's youth is Hispanic), EDF is paying close attention to the ongoing air quality and public health challenges facing Houston, Dallas, San Antonio and other areas with significant Hispanic populations. Nationwide, one in every two Hispanics lives in a county that frequently violates health-based ozone standards (see [U.S. Latinos and Air Pollution](#)). This means that Hispanics, especially those within sensitive subpopulations, such as children and the elderly, are at greater risk of public health effects, such as asthma, lung cancer, stroke and premature death due to increased exposure to harmful air pollution.

There is good news though! Hispanic businesses can make a significant difference in reducing air pollution through their logistics and freight transportation operations in key hubs, such as Houston. Last month, I attended the [International Summit & Business Expo](#), hosted by the Houston Hispanic Chamber of Commerce. At the conference, we met with representatives of several companies who are eager to grow their businesses in the Houston area and the rest of the state. Additionally, we discussed how they can play a leading role in reducing the health burden for Hispanics and all Houstonians by supporting clean air initiatives, such as participating in the Houston regional [clean truck program](#), signing up for the [SmartWay Drayage Program](#) and setting efficiency and emissions reductions goals.

EDF has a [track record](#) of working with companies and organizations to reduce emissions from freight transportation, and we look forward to engaging new partners on our collaborative effort to ensure healthy air for our communities and a thriving business environment.

# MuskogeePhoenix.com, Muskogee, OK

*June 9, 2013*

## Cuts threaten EPA's Tenkiller project

### Sequestration cited in written notice to halt development of pollution limit for lake

*By D.E. Smoot*

**Phoenix Staff Writer**

— The automatic federal spending cuts known as sequestration may stall work toward the development of pollution limits for Tenkiller Lake.

Officials with the Environmental Protection Agency's regional headquarters in Dallas said federal regulators remain committed to the project. But email messages sent by the president of the primary contractor indicate project work was suspended at the end of April.

The EPA began work in November 2009 on development of a total maximum daily load for the Illinois River watershed and Tenkiller Lake. The project has continued despite efforts by some to delay the development and deployment of a "pollution diet" for the two impaired water bodies.

A TMDL is a calculation that establishes the maximum amount of a pollutant that can be introduced into a body of water and still meet water quality standards. The TMDL also allocates the load among the various sources of the pollutants at issue.

Tony Donigian, the president and principal engineer of Aqua Terra Consultants, sent a message April 28 to Dynamic Solutions, a subcontractor on the Tenkiller Lake TMDL project. In the message, Donigian ordered Dynamic Solutions to stop work on the project.

Donigian states in the email message that the stop work order was the result of an EPA review of the contracts and plans to revise the scope of work authorized. The review, Donigian explains, was based on EPA officials' authority "to revise (and) adjust contract scopes due to the sequestration demand."

"They also made some other ... changes, but the biggest impact is deleting the simulation of TK (Tenkiller) and focusing the remaining resources on completion of the watershed model," Donigian wrote to Christopher Wallen, Dynamic Solution's vice president. "Although they didn't state this explicitly, they implied that when (and) if additional funding is made available, they will consider restarting the TK modeling at a later time, but I suspect that may be one to two years away."

EPA officials in Dallas hedged their response to inquiries from the Phoenix about the purported delay in the Tenkiller TMDL study. A spokesperson said in an email that the agency "is working with the prime contractor to assure that this work is completed."

“Improving water quality in the Illinois River watershed continues to be a high priority to tribes, Arkansas, Oklahoma and EPA,” the spokesperson wrote. “EPA contracts department is reviewing this fixed-price contract to assure compliance with the agreed-upon scope and conditions.”

Donigian said the issue has been “a little touchy.” He said the parties “are still going through the process of modifying our project, and the final scope of the work has not been signed off.”

“They are still mulling over the changes due to the funding situation as a result of sequestration,” Donigian said. “I am hoping it (the review and revision) happens pretty soon. We are pretty much dead in the water until they make that decision.”

Ed Brocksmith, a co-founder of Save the Illinois River Inc. who was recognized last year as an Oklahoma Water Pioneer, said these developments were disappointing. He said the Illinois River “may have the ability to cleanse itself” of pollutants “more so than Tenkiller Lake,” into which the river flows.

“This delay in the Tenkiller TMDL is a very serious development and one that must be resolved with the help of private, state, and federal efforts,” Brocksmith said, noting the impact that nutrients and bacteria have had on the reservoir. “Tenkiller Lake must be protected by point and nonpoint sources of pollution, which would be addressed by a meaningful TMDL.”

In EPA budget documents proposed for the fiscal year that begins Oct. 1, regulators state that they “will continue to work hand-in-hand with states and tribes to develop and implement nutrient limits” with a “focus on total maximum daily loads and national pollutant discharge elimination system permits.”

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*June 9, 2013*

## SUNDAY EXTRA: Ark. groups tried to get delay in river standard

### Letter campaign to EPA followed interstate accord

*By D.E. Smoot*

**Phoenix Staff Writer**

— Regulators rebuffed efforts by northwest Arkansas business interests trying to leverage an agreement to postpone implementation of Oklahoma’s scenic rivers phosphorus standard to delay the establishment of federal pollution limits.

The second statement of joint principles and actions negotiated by the attorneys general of Arkansas and Oklahoma was hailed as a sign of interstate cooperation. A letter-writing campaign for a delay of setting federal limits is being seen by some as an erosion of that sentiment.

The effort to delay the development and deployment of federal pollution standards for Tenkiller Lake, the Illinois River and its tributaries appears to have been spearheaded by Tyson Foods. A letter-writing campaign initiated by the lead defendant in a clean-water lawsuit against the poultry industry riled some clean-water advocates on this side of the state line and bewildered others.

A Tyson Foods executive was the first to request the delay in a Feb. 26 letter to Ron Curry, the U.S. Environmental Protection Agency’s administrator for Region 6, which includes Oklahoma. In that letter, Kevin J. Igli, Tyson’s senior vice president and environmental, health and safety officer, argues the delay “would be a pragmatic move to save resources.”

“A ‘Second Statement of Joint Principles and Actions’ have (sic) been developed as a framework for advancing phosphorus science through a stressor-response study,” Igli wrote, noting that the study could take up to three years. “In light of this new development, we urge Region 6 to consider placing its current TMDL (total maximum daily load) work on hold pending the outcome of the ... stressor-response study.”

During the next four weeks, Curry received five similar letters. They came from Simmons Foods, The Poultry Federation, Rogers-Lowell (Arkansas) Area Chamber of Commerce, Northwest Arkansas Council and the Springdale, Ark., Chamber of Commerce. Members of Arkansas’ congressional delegation also joined the effort to delay the study.

EPA officials stated in correspondence to those entities that after giving the requests “full consideration,” they do not “believe suspending the agency’s current model and TMDL development is necessary or prudent.” A TMDL is a calculation that establishes the maximum amount of a pollutant a body of water can receive and still meet water quality standards and an allocation of that load among the various sources



of that pollutant.

“The EPA believes continuing the current work in the Illinois (River) basin is vital to the shared goal of improved water quality in the Illinois River and its upstream tributaries in northwest Arkansas,” Curry wrote in a reply to Tyson Foods executives. “In the event that the prospective stressor-response study is completed and yields an alternative EPA approved phosphorus criterion, the EPA will consider replacing the current scenic rivers criterion with the new value and reassess the results of modeled load reduction scenarios at that time.”

Curry and William K. Honker, the director of Region 6’s water quality protection division, also disputed assertions by those who requested delaying the TMDL project that Oklahoma’s phosphorus standards for scenic rivers was suspended by the second agreement. The state’s numeric standard, they wrote, “remains in effect for Clean Water Act purposes.”

Oklahoma’s numeric phosphorus standard was set to address the degradation of water quality within the Illinois River watershed and other scenic streams. Stream overloading of nutrients such as phosphorus and nitrogen promotes vegetative growth, which depletes dissolved oxygen levels and reduces water quality.

Gary Mickelson, a spokesman for Tyson Foods, said the company’s opposition to the EPA’s present pollution modeling efforts “is all about timing.” He said Tyson Foods supports “the protection of the Illinois River watershed,” but believes “any action by EPA should be based on actual water-quality data.

...

“Our position has always been that Oklahoma’s 0.037 (mg/L) standard was arbitrarily set as a water quality standard without any scientific support,” he said. “Now the two states have agreed to actually collect data and scientifically study this issue, and we believe it makes sense to wait for the results. Otherwise, municipalities, businesses, farmers and other taxpayers may have to spend money to meet standards that are later determined not to be scientifically supported.”

The letter-writing campaign drew a swift response from Ed Fite, the administrator of the Oklahoma Scenic Rivers Commission. Fite, who has been involved with efforts to improve the Illinois River’s water quality for three decades, said the six letters sent by — or on behalf of — the northwest Arkansas business interests “should be disregarded.”

“The two states have been working hand-in-hand since 2003 and much has been accomplished — remarkable improvements in the water quality have been observed during this period,” Fite said. “There is nothing in the second agreement that stays the TMDL ... (and) I encourage everyone who has an interest in the river to cast aside any efforts to delay the progress that has been made.”

Blayne Arthur, the deputy commissioner of the Oklahoma Department of Agriculture, Food and Forestry, said the agency “does not support the effort to delay the TMDL study.” The agency is one of 10 represented as co-signers of the second agreement.

“In negotiating the second statement of joint principles, it was made clear we would not seek delay of the TMDL study,” Arthur said.

A Tahlequah-based coalition of clean-water advocates, Save the Illinois River, also protested efforts to delay what it sees as one of three keys essential to better water quality. STIR President Denise Deason-Toyne described those trying to delay the EPA's efforts as "officious intermeddlers," interjecting themselves into an affair without request or pre-existing duty.

"STIR is concerned that these entities, who were not parties to the agreement and were not involved — at least not directly — in the negotiations, are sending their incorrect interpretations of the intent and impact of the agreement to forestall implementation of a TMDL for the Illinois River and Tenkiller Lake," she said, adding that STIR will submit a letter opposing the requested delay. "STIR is further concerned that there may be a slim chance that U.S. EPA could rely upon this incorrect information as an excuse to delay implementation and enforcement to save what limited budget U.S. EPA may have remaining due to the sequester."

The agreement being used by the northwest Arkansas entities to delay the development of federal pollution limits for the Illinois River watershed extends commitments negotiated in 2003. That agreement delayed for 10 years the implementation of Oklahoma's phosphorus standards for scenic rivers and streams. It also required an extensive review of the standard before full implementation.

A technical advisory group of Arkansas, Oklahoma and tribal representatives spent a year reviewing new scientific and technical evidence and confirmed the validity of the 0.037 mg/L standard in 2012. A minority report backed by two Arkansas agencies represented on the technical advisory group disputed the findings and opposed the standard.

Oklahoma Attorney General Scott Pruitt, who declined to comment about the letter-writing campaign, and his counterpart in Arkansas negotiated a second agreement this year. The second statement of joint principles and actions delays the implementation of the numeric standard for three more years and authorizes a second evaluation of the state's numeric phosphorus standard.

Mike Malone, the president and chief executive officer of Northwest Arkansas Council, said the position staked out in his organization's letter to the EPA "is consistent with the position" he has taken since the federal agency announced the TMDL modeling study in 2009.

"I said then and still believe that it is premature to develop a model and develop TMDLs based on that model until an agreed-upon, scientifically determined standard is developed," Malone said. "We simply reiterated our concern to the EPA that we believe this stressor-response research is so important that we need to let it play out first and then finish the model."

Fite, who also is a member of the Oklahoma Water Resources Board, said the letters sent by northwest Arkansas business interests focus strongly on job creation and economic development.

"What is getting lost in all that is the quality of life issue," he said. "We have to find a balance between having robust economy and having a good quality of life."

In his letter to the EPA's Region 6 administrator, Fite cited two points of concern about the letter-writing campaign. One was that those requesting the delay were never parties to the agreement between the states, which Fite believes has been misrepresented.

Fite also cited the fact that EPA officials “have openly maintained” the agency “will continue to develop and deploy a TMDL regardless of any agreement” between the states. Fite said that unless Govs. Mary Fallin of Oklahoma and Mike Beebe of Arkansas “jointly request a delay, it’s paramount that U.S. EPA continue to develop and deploy a TMDL” for the Illinois River watershed.

“As one who has been involved with river issues as an administrator for three decades, I am reminded daily that Oklahoma scenic rivers are cleaner than they were 10 years ago,” Fite wrote to Curry. “Without question, this progress came about because of the willingness of both states to work together ...”

Fite concluded that the integrity of the statement of joint principles and continued improvement of water quality within the Illinois River watershed hinges upon the EPA’s continued development of federal pollution limits.

“When we work together, the river gets better,” he wrote.

Reach D.E. Smoot at (918) 684-2901 or [dsmoot@muskogee phoenix.com](mailto:dsmoot@muskogee phoenix.com).

# MuskogeePhoenix.com, Muskogee, OK

*June 8, 2013*

## EPA commits to watershed pollution model

*By D.E. Smoot*

**Phoenix Staff Writer**

— Efforts by the U.S. Environmental Protection Agency to establish a model for federal pollution limits for the Illinois River watershed likely will proceed despite requests for delay.

An EPA official who has worked with the team developing those limits wrote in a message to Save the Illinois River that “it is important to continue moving forward” despite recent objections.

“The quality of water in the Illinois River, its tributaries and the waterbodies into which they flow remains an important concern to Arkansas, Oklahoma, tribes and the EPA,” wrote the official, Quang Nguyen. “The EPA believes that continuing our current work in the Illinois Basin is vital to improving water quality in the Illinois River and its upstream tributaries in northwest Arkansas.”

Nguyen states that the federal agency remains “committed to continuing to complete our model for the entire Illinois River watershed.” He also cautions that this “is likely to be a lengthy process. Therefore, the EPA believes it is important to continue moving forward with its ... work.”

Once completed, the model for the development and deployment of total maximum daily loads — a calculation for maximum amounts of any pollutant introduced into a body of water that safely maintains water-quality standards — will be submitted for peer-review.

The EPA initiated the Illinois River watershed modeling and development project to better understand the relationship between phosphorus sources and water quality in the watershed. The agency initially set a December 2011 deadline for project completion, but a request by a congressional delegation for a peer review of the process further delayed the project.

Ed Brocksmith, a co-founder of STIR who was recognized in 2012 as an Oklahoma Water Pioneer, said the TMDL is one of three key elements for improved water quality. The other two are the state’s numerical phosphorus standard for its scenic rivers and the 2005 lawsuit filed by the state against several poultry companies, he said.

“I don’t think many people know the importance of this TMDL,” Brocksmith said, describing the calculation and modeling as a pollution diet. “I think one of the reasons we are seeing these objections and efforts to delay it is because it would change the way business is done.”

The TMDL, Brocksmith said, would identify how much pollution the Illinois River and Tenkiller Lake can handle without deteriorating water quality. It also would pinpoint where the various pollutants are

coming from so they can be controlled.

“This is something that is way past due. The Clean Water Act provided that TMDLs be established for impaired water bodies many years ago, and they never have been,” Brocksmith said. “Oklahoma’s hands aren’t clean because they never did it, and Arkansas’ hands aren’t clean because they never did it, so it’s critical the EPA gets this done.”

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## Exide files for Chapter 11 bankruptcy protection

By The Associated Press

This article was published today (6/10/13) at 7:21 a.m.

MILTON, Ga. — Battery maker Exide Technologies is seeking Chapter 11 bankruptcy protection as it attempts to restructure its U.S. business.

The Milton, Ga., company said its international operations are excluded from the filing, which it made Monday in U.S. Bankruptcy Court in Delaware.

Exide Technologies makes batteries for vehicles and also provides stored electrical energy services for industrial applications.

It said a highly leveraged balance sheet has limited its ability to invest in its businesses, and unprecedented increases in product costs have hurt its balance sheet. Those increases have been driven mainly by the North American market price for scrap lead.

Exide's voluntary petition for Chapter 11 protection prevents debt collectors from collecting amounts owed by the company. It does not change the work schedules of its plants, corporate offices or branches, and the company expects to continue serving both U.S. and international customers.

The company also said it plans to pay U.S. employees as usual, and it does not expect material changes to their benefits.



Everything New Orleans

## Swamp School is in session at Wetland Watchers Park in Norco

[Angel Thompson, NOLA.com | The Times-Picayune](#) By [Angel Thompson, NOLA.com | The Times-Picayune](#)

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on June 09, 2013 at 8:18 AM, updated June 09, 2013 at 8:19 AM

We live in a parish filled with opportunities to enjoy the outdoors, and we want the children to develop an appreciation for this." Craig Howat

While a small group of children were catching crabs, another clustered to identify plants. Meanwhile, a few children were practicing archery techniques, and others were enjoying a canoe trip. [Swamp School](#) was in session.

These activities were among the popular attractions 40 children ages 8-12 enjoyed June 3-7 during the first session of Swamp School. The St. Charles Department of Parks and Recreation hosted the second annual summer camp June 3-7. Another session will be held June 10-14 and the final session is June 17-21, in [Wetland Watchers Park](#), a 26-acre preserve on the shores of Lake Pontchartrain in the Bonnet Carre Spillway in Norco.

The camp is led by science teacher Barry Guillot of Harry Hurst Middle School in Destrehan, and Craig Howat, a facilitator at the St. Charles Satellite Center in Luling. Several members of the Harry Hurst Wetland Watchers, Destrehan High's Wildcats Interested in Saving Earth and the Hahnville High Green Club serve as junior and senior counselors, and assist Howat and Guillot with all activities.

The swamp adventure focuses on safety in the outdoor recreational activities, and developing skills for crabbing, archery, and canoeing, and for animal, leaf and tree identification. Students also enjoyed making their own fishing poles from cane and twine and hearing the legend of Loup Garou, a man who transforms into a werewolf and prowls the swamp. Each day, campers write in their journal to reflect on activities.

Swamp School gives children the opportunity to learn about the natural resources "in their own backyard" and learn skills for popular outdoor activities such as fishing, crabbing, and canoeing, Howat said.

"This camp is a wonderful opportunity to get away from the computer, the cell phone, and the television, and get outside and learn about the great outdoors," Howat said. "We live in a parish filled with opportunities to enjoy the outdoors, and we want the children to develop an appreciation for this."

Working with the St. Charles Parish Recreation Department, Guillot and Howat schedule the school to be held at Wetland Watchers Park. The area features outdoor classrooms, a playground, a nature trail, boardwalks and a grand pavilion.

Katelyn Brady, a graduating senior at Destrehan High, said she was thrilled to be a counselor for the camp.

"I've always had a strong passion for the wetlands since I first became involved my freshman year of high school," Brady said. "When Mr. Howat and Mr. Guillot extended this opportunity to me, I couldn't pass it up. It's an indescribable feeling seeing these kids so excited to be involved in something that means so much to me."

Like most of the participants, Grant Sanders, 9, enjoyed the first session of Swamp School. He said canoeing was his favorite activity. "I liked canoeing because of all the animals I saw," he said.

Hallie Hutchins, 8, seemed to be a sharpshooter. Archery was her favorite event. "I liked archery because I kept hitting the red," she said.

Howat said the camp has been a big hit with parents and students. "The kids are having a blast, and the parents are excited to see the kids so excited about it."

Celeste Robert of Luling took a week's vacation to be a parent volunteer at the camp. Her daughter, Rileigh, 10, a student at Lakewood Elementary, attended Swamp School last year and was eager to attend again this year.

"I was amazed at how much fun I saw the kids have at Swamp School last year," Robert said. "They are having fun, and at the same time, they are learning about the natural habitat. These kids are young, but they know they must conserve and preserve the wetlands for their children and their children's children. The camp sends a message that the kids can really relate to."

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## Ghosts of regular session legislation rest in waiting for governor's call



by MARK WIGGINS / KVUE News and photojournalist MICHAEL MOORE

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kvue.com

Posted on June 7, 2013 at 6:16 PM

Updated Friday, Jun 7 at 6:21 PM

**AUSTIN --** Lawmakers at the Texas Capitol officially have just one job left -- addressing embattled electoral maps before the next election cycle begins.

Yet even before the special session on redistricting was called by Gov. Rick Perry (R-Texas), a handful of lawmakers suggested other issues should get another shot.

"I want to see some of our Second Amendment protection right bills included," Lt. Gov. David Dewhurst (R-Texas) told KVUE days before the regular session of the

83rd Texas Legislature formally adjourned. "We did get 17 pro-gun bills out, but there are still some very important bills like 'campus carry.'"

"It's a about the right to self-preservation. The right to keep and bear arms," said state Sen. Brian Birdwell (R-Granbury), author of the campus carry bill aimed to allow concealed handgun license (CHL) holders to carry their firearms on college campuses. The issue died during the regular session after Birdwell's SB 182 failed to clear the Senate Criminal Justice committee, and Democrats blocked House companion HB 972 from coming up for debate on the Senate floor.

"Ultimately I could not get the 21 votes," explained Birdwell. "I filed it again in the special as a means to be prepared. Should the governor add it to the call, we're ready to move with the legislation instead of having to wait for the call and then being prepared to move afterwards."

In fact dozens of bills unrelated to redistricting have been filed over the past two weeks in hopes of a special session revival. Special session filings include legislation criminalizing enforcement of new federal gun laws by government officials, "fetal pain" legislation placing restrictions on abortions performed after 20 weeks of pregnancy, bonds for a new Engineering Education and Research Center at the University of Texas, and alternative plans to find more money for Texas' ailing highways.

"That's the one thing that I feel like we weren't able to do during the last session," said Senate Finance Committee Chair Tommy Williams (R-The Woodlands), who filed SB 2 during the current special session to address transportation infrastructure. "I've been calling for some time now for a predictable, reliable, robust funding stream, and I think this gets us a long way toward that goal."

Finding a permanent fix for highway funding has been noted by many as an issue of paramount importance, but one that was largely overlooked during the regular session of the 83rd Texas Legislature. Williams' plan would divert half of the money currently dedicated to feeding the Rainy Day Fund for use in highway construction.

"By doing that, the Rainy Day Fund would continue to grow," explained Williams. "It would grow at a slower pace than it is now, but our projections from the [Legislative Budget Board] show that there would be \$7 billion in the fund at the end of the next biennium, which is a very substantial amount of money."

It's normal for lawmakers to file bills on issues they hope will be added to the call. During the special session of the 82nd Texas Legislature in 2011, a total of 121 bills were filed while just eight were passed into law. In 2009, the 81st Texas Legislature passed two of 27 bills filed during the special session.

Parliamentary changes bypassing the usual two-thirds vote needed to take up legislation in the Senate during the regular session could make some bills easier to pass during the special session, should their issues be added to the call. The ultimate decision over which issues get the green light lies with the governor, who has yet to indicate that anything other than redistricting will be up for discussion.

"We're not going to be adding things to the call just for the sake of adding things to the call. We want to be relatively assured that we're going to be successful," Perry explained to media last Friday. "There are a host of issues, and I would suggest to you a long list of wants, we try to distill down to the things that truly are needed in the state."

Which reach the gavel and which remain ghosts remains to be seen.

**[For a list of bills filed during the current special session -- CLICK HERE.](#)**



Source: Daily Environment Report: News Archive > 2013 > June > 06/10/2013 > News > Air Pollution:  
Following Court Ruling, EPA Withdraws Guidance for 2006 Particle Standards

111 DEN A-1

### **Air Pollution**

## **Following Court Ruling, EPA Withdraws Guidance for 2006 Particle Standards**



*By Jessica Coomes*

The Environmental Protection Agency is withdrawing guidance for implementing the 2006 fine particulate matter standards in response to a federal appeals court ruling.

The U.S. Court of Appeals for the District of Columbia Circuit Jan. 4 remanded to EPA two rules implementing the 1997 particle national ambient air quality standards, requiring the agency to reissue the rules under a more rigorous process (*Natural Resources Defense Council v. EPA*, D.C. Cir., No. 08-1250, 1/4/13; 04 DEN A-6, 1/7/13).

Although the court ruling applied to just the 1997 rule, EPA used the same rationale to implement both the 1997 and 2006 standards, so the agency said in a June 6 memo that it voluntarily would withdraw the guidance for the 2006 rule.

"[I]n light of the Court's opinion, a core premise of the EPA's guidance document ... is no longer tenable," Stephen Page, director of the EPA Office of Air Quality Planning and Standards, wrote to the agency's regional air directors in the June 6 memo. "Although the Agency is withdrawing the guidance, we will continue to implement" the 2006 particle standards under the Clean Air Act.

EPA said states should rely on the Clean Air Act in completing their implementation plans.

### **Wrong Section of Law**

The D.C. Circuit found the two implementation rules for the 1997 standards, which EPA issued in 2007 and 2008, did not follow the plain text of the Clean Air Act.

EPA implemented the standards through a general process detailed in subpart 1 of part D of title I of the Clean Air Act, but the court said EPA should have implemented the standards through subpart 4, which refers specifically to the implementation of particulate standards and has more stringent requirements than subpart 1.

For example, new regulations could include changes requiring nonattainment areas to impose increasingly stringent controls if they do not meet attainment deadlines and to control major sources of particulate matter precursors.

The guidance for the 2006 rule, which EPA issued March 2, 2012, provided recommendations to states on the development of implementation plans to attain the standards. Like the rules implementing the 1997 rule, the guidance for the 2006 standards also relied on the general process in subpart 1.

The D.C. Circuit told EPA to reissue the 1997 rules pursuant to subpart 4, and the June 6 memo said "[t]he same logic would necessarily apply to the implementation of the 2006 [particulate standards] pursuant to subpart 4 as well."

### **EPA Revised Particulate Standards**

In addition to the 1997 and 2006 rules, EPA revised the particulate matter standards most recently in a regulation published Jan. 15, strengthening the annual, health-based standard for fine particulates to 12 micrograms per cubic meter. The previous standard was 15 micrograms (78 Fed. Reg. 3086).

EPA has said it will follow the D.C. Circuit's direction when implementing the 2013 standards. The agency plans to issue a final implementation rule in December 2014 for the 2013 standards (39 DEN A-1, 2/27/13).

**For More Information**

The June 6 memo is available at  
<http://www.epa.gov/ttn/naaqs/pm/pdfs/implementationguidancewithdrawmemo.pdf>.

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Daily News

## EPA Scientists Question Use Of Key Studies In Formaldehyde Assessment

Posted: June 7, 2013

EPA scientists are questioning whether they will be able to use a series of key studies that differentiate between "endogenous" and "exogenous" formaldehyde in the agency's pending risk assessment, undercutting calls by industry groups and others to use the studies to inform how EPA assesses the relative risk of a chemical that forms naturally in the body.

The studies, led by University of North Carolina at Chapel Hill professor and researcher James Swenberg, have been heralded by chemical industry groups and the Society of Toxicology for their ability to differentiate between endogenous and exogenous formaldehyde in order to avoid setting overly stringent risk values that protect against both naturally occurring, endogenous forms of the substance as well as exogenous forms that result from environmental exposures.

This is an issue that the National Academy of Sciences told EPA it needed to consider in its critical review of the agency's 2010 draft Integrated Risk Information System (IRIS) assessment of formaldehyde two years ago.

But during a May 29 workshop organized by the non-profit group Alliance for Risk Assessment, agency scientists suggested the studies showed unexpectedly high levels of endogenous chemicals and questioned Swenberg about his methodology and whether the studies can be used in assessments.

"How ready are these things for human risk assessment?" Paul White, chief of the Quantitative Risk Methods Group at EPA's National Center for Environmental Assessment (NCEA), asked Swenberg after his workshop presentation.

White and other EPA scientists raised concerns about what they refer to as 'artifacts,' or the possibility that there is an error or contamination in Swenberg's procedure, leading to what they believe is a surprisingly high number of endogenous DNA adducts. DNA adducts are covalent bonds between pieces of DNA and chemicals; Swenberg is using them as markers of DNA exposure to endogenous and exogenous formaldehyde.

"A key matter may be the identified endogenous adducts, how confident we are they are produced *in vivo* and not through the process. There are several reasons to ask are these truly present *in vivo*," White said.

"I don't think there's any question," Swenberg replied. "The same method measures both [endogenous and exogenous adducts]."

"Don't you think the question of any artifactual" adducts is relevant, White asked Swenberg.

"Well, this is all normal biology. It goes on in the cell," replied Swenberg. "We don't know what's driving the level of endogenous [adducts] in the cells."

The public questions from EPA officials echo questions they raised during a February meeting with Swenberg at EPA to discuss the research and its relevance to the ongoing re-write of the draft formaldehyde IRIS assessment.

But Swenberg is defending his research and standing by his results. He said that after the meeting with EPA scientists last February he performed annual maintenance on his instruments, which lowered the instruments' level of detection and improved the ability to detect adducts.

"We talked with the IRIS people in February, and they were concerned about artifacts," Swenberg said. He added that shortly thereafter, technicians performed annual maintenance on the lab instrument used to measure the results in his study, lowering its

limit of detection from 20 attomoles to 10 attomoles. An attomole is a unit of measurement of molecular substance, meaning  $10^{-18}$  of a mole.

Swenberg added that as a result of the instrument maintenance, the difference between the adducts caused by exogenous and endogenous formaldehyde is "very clear."

But Swenberg's answer did not seem to satisfy White or his NCEA colleagues.

### 'Unusual Request'

In a June 3 interview, Swenberg said that he provided new data for EPA, including results of his re-running of the assay matrix in DNA, at EPA staff request at their February meeting. "It was a very unusual request," Swenberg said, adding that it "made no difference [whether the assay was run in the DNA] matrix or just the internal and analytical standard."

Swenberg, who is continuing to run related assays, hopes that a new mass spectrometer will allow his team to reach a level of detection of 1.5 attomoles. He is also performing the studies with a larger number of control animal tissues, again at EPA's request. "We're trying to be very responsive to their questions," he said.

The issue of endogenous formaldehyde exposure is important in the IRIS assessment in part because the last draft assessment produced stringent, controversial risk estimates including first-time findings that formaldehyde exposure could cause certain forms of leukemia.

The assessment had been in progress for a decade when EPA finally released it in June 2010. The agency concluded that the chemical is carcinogenic, could cause lymphohematopoietic cancers -- a class of cancers that includes leukemia -- as well as nasal cancers and other non-cancer effects. EPA also calculated a strict, and highly controversial inhalation unit risk factor, or estimate of cancer potency, of  $8.1 \times 10^{-2}$  parts per million<sup>-1</sup> (ppm<sup>-1</sup>).

The assessment was expected to drive a host of regulations, including stringent emissions regulations on plywood emissions and natural gas turbines, both of which emit formaldehyde. But even before EPA unveiled its draft assessment, industry and other agency critics raised significant concerns and insisted that it be subject to National Academy of Sciences review. Sen. David Vitter (R-LA) in 2009 won a commitment from then Administrator Lisa Jackson to send the draft assessment for review after he blocked confirmation of the agency's former research chief.

### Endogenous Chemicals

Swenberg and consultant Thomas Starr also presented at the May 29 workshop a recently published new method for calculating what they call an upward bound, or worst-case scenario, of risk for endogenous chemicals. The method, which they call the bottom-up approach, was published in the journal *Regulatory Toxicology and Pharmacology* in April. They argue that the approach is sufficiently conservative to provide an upward bound to traditionally high-dose extrapolation risk assessment, which they refer to as top-down.

Starr said that the approach would work for other endogenous chemicals, such as acetaldehyde, ethylene oxide, methanol, vinyl acetate and vinyl chloride as long as there is data similar to what Swenberg has produced for formaldehyde, allowing measurements of endogenous levels in the body compared to those from environmental exposures. Using these data, Starr proposes creating a ratio between the "background lifetime risk of a tissue-specific cancer in people" and the "mean tissue-specific background steady-state concentration of a biomarker."

This ratio then "provides an estimate of the low-dose slope of the relationship between the cancer risk and the corresponding tissue-specific DNA adduct concentration," according to their paper.

Starr acknowledged that one weakness in the approach is that it does not incorporate biological understanding of how the chemical under assessment could cause cancer. "Its Achilles' heel is [mode of action (MOA)] is unknown ... It is conservative in that it concedes linearity. All background risk is attributed to endogenous. It provides an upper bound on low-dose slope."

Starr added that using this conservative approach, EPA's cancer risk estimate based on nasal cancer was 30 times stricter than his estimate. EPA's cancer risk estimate, based on leukemia, is 14 times stricter than Starr's approach. Swenberg and Starr argue that their estimates are conservative because they use linear extrapolation, EPA's traditional approach to performing cancer risk assessment for those chemicals that are mutagenic and those where EPA considers the mode of action, or how the

chemical causes cancer, to be unknown. The approach is considered conservative and health protective because it assumes there is no level of exposure without risk.

But Jennifer Jinot, also with EPA's NCEA, questioned Starr's assumption. "One aspect that may not be conservative, and that's how you calculate the slope . . . You're assuming it's constant across the endogenous [exposure]. This means the repair systems are constant across high and low exposures," Jinot said.

She argued that the repair systems are not constant, and that in order to be conservative, the extrapolation would need to be sublinear, not linear, in the endogenous part of the risk-response curve. The critical point, she said, is the slope where the risk-response curve crosses from endogenous levels to exogenous levels. Whether the slope in the endogenous levels are based on a linear or sublinear curve could alter that slope.

"What, linear isn't conservative enough for you?" Starr responded. -- *Maria Hegstad* ( [mhegstad@iwpnews.com](mailto:mhegstad@iwpnews.com) )

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### 7. AIR POLLUTION:

#### House panel to consider science behind ozone standards

Jason Plautz, E&E reporter

Published: Monday, June 10, 2013

*Correction appended.*

A House subcommittee will challenge U.S. EPA's plan to tighten federal limits on ozone, citing concerns that lower limits could leave some areas of the country at risk of being unable to comply.

Although EPA has not offered a proposal to lower ozone standards from their current limit of 75 parts per billion, it is expected that the agency will offer one later this year after a previous attempt was rebuffed by the White House in 2010. The agency has indicated that new National Ambient Air Quality Standards (NAAQS) could lower the limit to 70 ppb, although some environmentalists and scientists have said they could go as low as 65 or 60 ppb.

The House Science Subcommittee on Environment will meet Wednesday to consider the science surrounding the proposal. In particular, a committee aide said, the subcommittee "will look at recent science which suggests that the standards EPA is considering are at or below background ... ozone levels for many parts of the country."

The hearing comes just two weeks after the American Petroleum Institute released a study saying a standard set at 60 ppb would leave as much as 97 percent of the country's population in areas violating the rules. That could restrict business development in those regions and would leave states at risk of heavy penalties ([\*E&ENews PM\*](#), May 30).

"Tightened standards could impose unachievable emission reduction requirements on virtually every part of the nation, including rural and undeveloped areas," Howard Feldman, API director of regulatory and scientific affairs, said on the findings. "These could be the costliest EPA regulations ever."

A witness list has not been finalized, but API will not be testifying at the hearing. A committee aide said witnesses will include an academic who will discuss research about the background of ozone concentrations across the country, as well as an official from a state regulatory agency to discuss the difficulty in complying with more stringent standards.

There will also be a former government witness familiar with implementing Clean Air Act regulations.

Environmentalists have backed lower standards, saying the current 75 ppb level does not do enough to protect people from ozone exposure, which has been linked to shortness of breath, chest pain, asthma and other respiratory ailments.

An American Lung Association report released in April found that more than 115 million Americans are already in areas with too much ozone pollution, based on the 75 ppb standard, and groups have pointed to recent studies that show health effects in residents of areas with ozone levels of 60 ppb.

"I believe this hearing is aimed at influencing the president and his political advisers," said Clean Air Watch President Frank O'Donnell. "I can only hope that the audience comes away with a heightened awareness that the existing standards do not adequately protect the health of Americans."

**Schedule:** The hearing is Wednesday, June 12, at 10 a.m. in 2318 Rayburn.

**Witnesses:** TBA.

**Correction:** *An early version of this story had an incorrect day for the hearing.*

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## **NM issues declaration to help Magdalena with water**

Posted at: 06/07/2013 6:09 PM

By: The Associated Press

MAGDALENA, N.M. (AP) - Tens of thousands of gallons of water have been trucked to the village of Magdalena to help residents after the community's sole drinking water well went dry.

Village officials and the New Mexico Environment Department say preliminary assessments point to drought as the culprit.

Environment Secretary Ryan Flynn says the truckloads of water are just a temporary solution and the state is working with the village to see if repairs can be made to get one of three nonworking wells in the area back into production.

Late Friday, Flynn issued a declaration of life threatening conditions, which allows Magdalena to apply for emergency funding.

The state Emergency Operations Center and the National Guard are also monitoring the situation. Troops are ready to haul more water to the village if needed.

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